D.B. CIVIL SPECIAL APPEAL NO.588/1995

10.3.2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE R.P.VYAS

Mr.Anil Bhandari, for the appellant
Mr.D.R. Loonkar, for the respondents.

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Since the matter is pending since 1995 and the service on the respondent – Insurance Company is not being effected, we directed Sh. D.R. Loonkar, Standing counsel for the Insurance Company to accept notices on behalf of the respondents. Copy of memo of appeal was delivered to the counsel for the respondents.

The only question involved in this case is that the learned single Judge has dismissed the writ petition filed by the petitioner by directing him to approach the appropriate Government for referring the dispute to the Industrial Tribunal in respect of the dispute raised by him in the writ petition.

The petitioner has filed this appeal stating that under the provisions of General Insurance Act, employees of the GIC or its subsidiary companies are not subject to the

provisions of Industrial Disputes Act. When this question was put to the learned counsel for the respondents, he candidly stated that Industrial Dispute Act does not apply to the employees of the General Insurance Company or its subsidiary companies. In view thereof, this appeal must succeed. The judgment under appeal is set aside and the case is remitted back to be heard by the learned Single Judge. The matter may be listed before the appropriate Single Bench in the 1st week of April, 2006. The learned counsel for the appellant shall also furnish entire set of writ petition to the learned counsel for the respondents within a week.

(R.P.VYAS)J (RAJESH BALIA)J.

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